Scott. II-27—23,006—24-12-32.

Law (Education) (1934) Department.

MS SERIES.

G.O. No. 968

DATED 16.4.1934

[Despatch Abstract.]

District Educational Council. South Kanara - Proposal to render grants-in-aid liable to attachment - Rejected.

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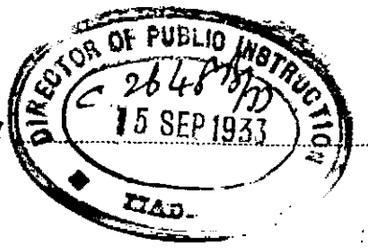

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Subject.

Elementary Education - Grants-in-aid - Attachments by Civil Courts - Modifications to rules - Suggested.

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ENCLOSURES.
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C. No. 458/33.

Station Mangalore *Dated the* 13th September 1933.

From (Name) M.R.Ry.Rao Bahadur N.Venkat Rao, Avergal.,

(Designation) Vice-President in charge, District Educational Council, South Kanara.

To The Secretary to the Government of Madras,

Law (Education) Department.

Through the Director of Public Instruction, Madras.

Sir,

This office has been receiving many complaints from the teachers working under the managers of aided schools, that their managers do not pay them their salaries. Some times, the teachers obtain a decree in a Court of Law, for the amount of pay due to them and in some other cases, - attachment orders are being received from the Civil ----- authorities, for the attachment of the teaching grant amounts standing at the credit of the managers. These orders or complaints are to be returned under Rule 2(3) of the rules

framed

framed under Section 42(2) of the Madras Elementary Educatio Act, 1920. If the managers concerned do not possess any movable or immovable properties, the teachers to whom money is due from the managers, are put to great inconveniences and it is only left to them to send their managers to civil jails with their own expenses. Moreover, as the managers do not pay their teachers, it so happens, that they come to quarrel between themselves, and consequently, either the teachers are --- naturally forced to leave their former schools and seek employ--ment elsewhere or their services are dispensed with by the managers. In some cases, it also happens that the teachers who are thrown out of employment, open rival schools with a view to put an end to the former schools and have their own schools instead. This is the main cause why many changes in staff are frequently taking place in aided schools.

2. I, therefore, suggest that in the interest of the teachers working in aided schools and with a view to enforce regular payment by the managers concerned, the above section may be modified so as to enable the teachers to attach through Civil Courts, the teaching grant amount standing at the credit of the managers, to the extent of their unpaid salary only.

I have the honour to be,

Sir,

Your most obedient servant,

M. K. Venkat Rao

Vice-President in charge,
Dt. Educational Council, S.Kanara.

Edn 1011 C
27.3.34

28 MAR 1934

A.J.No. 2648 3/33., dated 20th March 1934.

Ref. Letter from the President, District Educational Council, South Kinara J.No. 458/33 dated 10th September 1933.

Submitted.

re. I am unable to support the request of the President, District Educational Council, South Kinara that teaching grants should be attachable, as the proposal is likely to create more difficulties than it will solve. It is no doubt true that there are some managers of mixed boys schools (though not probably of mixed girls schools) who default in the payment of their teachers' salaries, or who pay them irregularly. But a manager who is in monetary difficulties is likely to have creditors other than the members of the staff, and as a manager is bound to keep his school running in order to draw the teaching grant, it is probable that the members of the staff will get paid in preference to other creditors. If teaching grants are made attachable, attachment is, therefore, more likely to be brought about at the instance of creditors other than the members of the teaching staff, in which case the latter will not be benefitted by the proposal in question.

2. Secondly, it would appear from J.No. 522 K.S., dated 1st Jan. 1922 that there are definite legal objections to the attachment of teaching grants in suits against managers of schools, and it does not seem that Government by an executive order should sanction a procedure which is likely to be found ultra vires when contested in a Court of Law.

C

4. Gross irregularities in the matter of payment of teachers by managers of Elementary schools are likely to be reduced, when acquittance rolls are maintained in all Elementary schools, Vide draft amendment to Rule 11 of the Rules framed under section 41(2) of the Madras Elementary Education Act as published in G.O.No. 1854 Education dated 7th October 1933.

N

for Director of Public Instruction

MSN 27.3.

To the Secretary to Government,

Law and Education Department.

P.V.S. 21/3

60/166 5

C.F.16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
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SUBJECT:—

D.E.C.

S. Kanaora – Proposal to withhold grants-in-aid liable to attachment rejected.

READ AGAIN ____, dated ____ 19____.

" " ____ " ____ 19____.

READ *ALSO*:—

No. 1011/12 From the Pte, D.Edn., No. 6581/33, dated 13.9.1933.

" ____ " S. Kanaora " ____ 19____.

" Endt: of the Dep't., " R.C. 2648/33 19 20.3.34

Order ~~Resolution~~ Ms. No. 968, dated 16.4 1934.

The Govt: are unable to reconsider the existing orders and rules according to which grants to edl: institutions ~~shall~~ be not liable to attachment in suits against managers of schools.

E 4/4

12/4

To the D.D.E.E.,
S. Kanaora
Copy to the Dep't.

M3. SS 13/4

SECRETARIAT TO GOVERNMENT OF KERALA
14 APR 1934
TRIVANDRUM